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SUBJECT: MSA ISSUE MOVES TO RESOLUTION BUT PROBLEMS LINGER

KHARTOUM 1892

11. (SBU) SUMMARY: Payment of overdue Mission Subsistence Allowance (MSA) to CFC party representatives began in El Fasher December 6 and continues this week. Donors appear willing to cover the entire US\$4.6 million MSA estimated cost under certain conditions. Although the MSA arrears issue may be resolved for now, party reps to the Ceasefire Commission will likely still need some sort of financial/logistical assistance under UNAMID. Text of MSA statement that has been distributed to party reps is included in para 12. END SUMMARY.

12. (U) The issue of paying a monthly stipend or MSA to the party representatives has vexed the Ceasefire Commission (CFC) since its inception in 2004. The MSA is authorized in the Ndjamena Ceasfire Agreement and the Darfur Peace Agreement and was originally funded by the EU and then by the UK and Netherlands. It was meant to assist movement representatives establish themselves at Field HQ in El Fasher and Sector HQs as they worked on CFC matters. Field HQ reps received US\$4,973 a month and Sector-based reps US\$2,790 each. As factions splintered, the number of party reps grew. By March 2007, 230 reps claimed MSA, costing AMIS over US\$660,000 a month. On March 12, AMIS met with the donor community agreed to reduce the MSA to US\$1,000 for Field HQ reps and US\$500 for the others. AMIS communicated that decision to party and movement leaders the next day. The GoS was the only party to accept the reduced payment. Other reps went on strike, refusing to assist AMIS units to go out on patrol or conduct ceasefire investigations. The work of the CFC effectively ground to a halt. The AU eventually found money to pay the March MSA at the old rates, but no MSA has been paid for April or subsequent months.

13. (SBU) Upon assuming command in mid-2007, Force Commander (FC) GEN Agwai soon learned how important the party reps consider their "entitlement" to MSA. Agwai and his troops were threatened by various factions because the MSA remained unpaid. An armed CFC party rep entered AMIS Field HQ, threatened the AMIS Chief of Staff and fired a gun in the air. In October, more than 90 armed party reps converged on El Fasher to demand MSA payment, causing GEN Agwai to increase security around Field HQ. Party reps also disrupted distribution of MSA to AMIS military observers in the field during October and November. On November 28, The FC told international CFC observers party reps had threatened to disrupt the AMIS/UNAMID transfer of authority (TOA) ceremony over the MSA issue. Agwai considered the MSA the biggest issue facing AMIS and feared it would doom UNAMID if it remained unresolved. He engaged the AU, Joint Special Representative Adada, the UN and donors to come up with money to fund continued payment of the MSA. MSA costs are as follows:

- US\$4,243,425 for six months (April-September at old rates)
- US\$6,368,253 for nine months (April-December at old rates)
- US\$4,631,925 for nine months (April-September at old rates with October-December at new/post-February rates for all 230 reps).

14. (SBU) On November 23, the Director of the AU Department of Peace and Stability (DPS) sent a memo to the AMIS Head of Mission saying the AU was transferring US\$4 million to AMIS accounts to pay MSA for three months at the old rates. The money came from other AU accounts; the AU was anticipating donors would provide adequate funding to recoup the transferred amount and cover all remaining MSA costs. The \$4 million would cover MSA arrears through August.

15. (SBU) EU CFC observer Richard Ciagliniski (UK) said he had been assured by the UK Foreign Office that the UK, Netherlands and EU would provide the necessary MSA funds. He told the Foreign Office it needed to raise approximately US\$4.6 million. The UK ambassador was to inform the AU of the MSA donation in Addis Ababa at a Liaison Group meeting on November 30. Ciagliniski said the donors put the following conditions on the funds:

- the AU needed to request an exact amount for MSA in writing from the donors;
- the MSA could only be given to individuals who signed a receipt; and
- the payment process needed to be verified.

16. (SBU) On November 27 GEN Agwai convened a meeting of the party reps and laid out his plan for paying the MSA arrears:

- Payment for April-June at the old rates to be initiated by December 5, with a CFC member observing the payment;
- Payment for July-September at the old rates to be done by December 15, with a CFC member observing the payment; party reps to return all AMIS property (computers, vehicles, cell phones, berets, IDs, shoulder badges, etc.) in order to receive MSA payment; and
- Payment for October-December to be made at the new rates for only one representative per party at CFC HQ.

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He also pleaded with the party reps to put the MSA issue behind them finally and work together to make the CFC effective in order to bring peace to Darfur.

17. (SBU) The party reps did not react to the MSA payment schedule, focusing instead on the areas where the FC appeared to be "unilaterally" changing CFC operations - reducing the 8 sectors to 3; taking away the party reps' AMIS property; and reducing the number of CFC representatives. Several claimed he was suspending the CFC and abrogating the DPA. The reps also objected to the FC's lack of consultation. The meeting ended without agreement.

18. (SBU) On November 28, GEN Agwai met with the international CFC observers to discuss next steps. Everyone agreed the previous day's meeting had confused the MSA issue with the need to reform the CFC. Visiting Embassy Poloff noted the party reps' concerns about the continued viability of the DPA (reftel). Fieldoff recommended the FC provide each party rep with a statement of the MSA payment schedule, explaining the reason for the various changes and noting their compliance with the DPA (see para 12). Also, in keeping with the DPA, AMIS should pay Sector party reps for October-December, not just HQ reps as originally planned. The CFC agreed.

19. (SBU) As the Field HQ prepared a schedule to distribute MSA payments to the reps in the field (four days of two teams, paymasters, military escorts and CFC observers, visiting 4-6 sites daily), the promised AMIS money disappeared. DPS had sent another memo directing the funds be spent on troop rotation and other expenses. When GEN Agwai learned of the problem December 1, he contacted Joint Special Representative (JSR) Adada and had further use of the funds halted. GEN Agwai traveled to Khartoum December 3, returning December 5 with US\$330,000 and the promise of another US\$2.5 million (enough to cover the April-June arrears). GEN Agwai told international CFC reps on December 6 he wanted MSA payment of some kind to start that day to maintain his credibility since he promised the party reps the first payment would occur by December 5. He also said he had had a meeting with GoS officials while in Khartoum, who argued he was changing the DPA (septel) - charges similar to the ones party reps had made on November 27. Agwai

announced he had spoken to JSR Adada and suggested a Joint Commission meeting be convened before the AMIS/UNAMID transfer of authority to lay out plans for a new, more effective CFC under UNAMID before all interested parties.

¶10. (SBU) On December 6, the Arab League announced it was donating US\$1 million to AMIS to help pay for MSA arrears. JSR Adada had requested the Arab League donation while at the Libyan peace talks in Sirte.

¶11. (SBU) COMMENT: Even though money is still not in hand to pay off all the MSA arrears, it is possible the MSA arrears will be resolved by the time of the transition to UNAMID. But the MSA legacy will not disappear, for several reasons. First, the MSA is authorized in the DPA (both the rebels and government now agree that not to pay represents an abrogation of the agreement) and there is a clear need for some sort of subsistence to ceasefire reps in the field. Second, GEN Agwai's credibility with the party reps has taken a beating as he has twice promised payment which has not materialized. Third, AMIS and UNAMID failed to engage the parties and movements on ways to make the CFC more effective, showing a disturbing preference for making CFC changes unilaterally. A Joint Commission meeting would be helpful, but there is not much time to organize one before the transfer of authority. Sitting down with the reps and having an open discussion about the future of CFC, as well as defining exactly what UNAMID will be able to pay as subsistence to ceasefire reps in the field, would be a welcome first step. END COMMENT.

¶12. (SBU) The following MSA statement was circulated among international and AMIS CFC members before it was approved and distributed to party reps on December 2. GEN Agwai also shared it with the JSR, UN and AU. On December 5, the UN suggested changes in the text to make clear UNAMID did not plan to provide any support to the party reps. A synopsis of the UN changes are bracketed in the text.

¶1. The AU, through the financial support of donor countries, initiated the Mission Subsistence Allowance (MSA) to help representatives of the DPA signatories pay for their food and lodging while serving on the CFC or in the Sectors. Over the course of time, payment of the MSA was extended to representatives of non-signatory factions, and the number of Party Representatives grew significantly. In February 2007, the AU, donor community and Party officials held a meeting in which a decision to reconsider amounts paid as MSA was discussed and a new rate agreed upon. This decision drew the ire of Party Representatives. Since March 2007, the MSA was not paid due to the lack of funds from the donors, and the

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flagrant refusal of Party Representatives to accept the new pay rates. Subsequently, the Representatives embarked on strike action thereby paralyzing the activities of CFC and to a large extent AMIS operations. The FC/Chairman CFC Gen ML Agwai inherited this stalemate and on assumption of office commenced frantic efforts aimed at resolving this vexed issue.

¶2. After extensive discussions with all interested parties and members of the international community, the Chairman of the CFC is pleased to announce the following plan for offsetting the outstanding MSA payment based on an earlier agreement with Party Representatives:

- a. AU was compelled to source for money and pay the MSA for the month of March 2007 as part of her contribution to the quagmire. This action has been completed and all Party Representatives were paid at the old rate.
- b. MSA for the period April - June 2007 will be paid no later than December 5. Payment will be made individually to Party Representative upon presentation of his/her AMIS ID-card. CFC representatives will monitor the payment procedure.
- c. MSA for the period July - September 2007 will be paid no later than December 15. Payment will also be made individually to Party Representative upon presentation of the AMIS ID-card and after return of all AMIS equipment (ID-card, computer, radio, mobile phone, vehicle, beret, sleeve badge, etc.) that has been issued to him/her. The AMIS ID-card must also be turned in at the time of this payment. The return of AMIS property and equipment by December

15 is necessary to ensure proper accounting by AMIS, prior to the transition of the Mission to UNAMID at the end of the year. CFC representatives will monitor the payment procedure. [SUGGESTED UN CHANGE: The party representative will sign a document that acknowledges he/she has received final payment of the MSA and neither AMIS nor UNAMID owes CFC members payment of any kind.]
d. MSA for the period October - December 2007 will be paid at a time to be determined but to only one representative or observer per party at the following rate: \$1000 US per month per individual observer at CFC HQ; \$500 US per month per individual observer per party at the Sector level subject to approval by AU. Party observers will serve as liaison officers between the parties and the CFC to facilitate monitoring, investigating and verifying efforts during this period. Reduction in the number of eligible representatives and in the amount of money is necessitated by lack of funding. All observers will be facilitated by AMIS in accordance with the DPA.

¶13. It is to be noted that with effect from 1 January 2008, AMIS will be replaced by UNAMID, which will continue to monitor implementation of the DPA pending the outcome of Libyan Talks. The AU cannot make any financial commitments on behalf of UNAMID. The future arrangements for the detail operation of CFC in support of the DPA from 1 January 2008 will be spelt out by the AU/UN. [SUGGESTED UN CHANGE: Delete para 3 and substitute instead "The plan outlined above confirms that final payment has been made, terminating all financial and logistical arrangements between the CFC and AMIS."]

END TEXT.

¶12. (U) Tripoli minimize considered.

FERNANDEZ